

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARC H. FISHMAN,

Plaintiff,

**NOTICE OF MOTION**

-against-

**19 CIV 265 (NSR)**

CITY OF NEW ROCHELLE, WESTCHESTER  
COUNTY, et al.

Defendants.  
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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Irma Cosgriff, Associate County Attorney, of Counsel to John M. Nonna, Westchester County Attorney, Attorney for Defendant Westchester County (“County Defendant”) and the accompanying Exhibit A, and proceedings heretofore had herein, the County Defendant will move this Court before the Honorable Nelson S. Román, United States District Judge, Southern District of New York, United States Courthouse, 300 Quarropas Street, White Plains, New York, for an Order dismissing the Amended Complaint pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure and for such other relief as this Honorable Court deems just and proper.

In accordance with the Court’s order dated May 23, 2022, opposition papers if any, shall be served no later than July 11, 2022, and reply papers, if any, shall be served no later than July 26, 2022 and all motion papers shall be filed on July 26, 2022. *See*, Dkt. No. 83. Pursuant to Federal Rule of Civil Procedure 12(a) and Local Civil Rule 33.2(d)(ii), County Defendant requests that all initial disclosures and discovery for this action be stayed pending the outcome of this motion.

Dated: White Plains, New York  
June 7, 2022

JOHN M. NONNA  
Westchester County Attorney  
Attorney for County Defendant

BY: /s/ Irma Cosgriff  
Irma Cosgriff  
Associate County Attorney  
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